

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BEYOND CUSHIONS CORPORATION.,

Plaintiff,

v.

THE TJX COMPANIES, INC. AND
DESIGN ACCENTS LLC.,

Defendants.

Civil Action No.: 18-10268

ORDER

CECCHI, District Judge.

I. INTRODUCTION

This matter comes before the Court on the motion of Plaintiff Beyond Cushions Corporation ("Plaintiff") for default judgment against Defendant Design Accents LLC ("Defendant" or "Design Accents"). ECF No. 17. The time for Defendants to answer or otherwise respond to Plaintiff's complaint has expired. *See* Fed. R. Civ. P. 12(a). Pursuant to Federal Rule of Civil Procedure 55(a), the Clerk entered a Default against Defendants on November 27, 2018. Plaintiff filed the instant motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) on March 23, 2019. ECF No. 30. Defendant does not oppose default judgment. ECF Nos. 31 & 32. For the following reasons, Plaintiff's motion for default judgment is granted. For the reasons set forth in the Court's accompanying Opinion,

Accordingly, IT IS, on this 25th day of November, 2019,

ORDERED that final judgment is entered in favor of Plaintiffs and against Defendants, in the total amount of \$314,773.92, comprised of the following:

\$270,000 in statutory damages for copyright infringement;

\$44,773.92 in attorneys' fees and costs;

and it is further

ORDERED that Defendant Design Accents and its officers, directors, partners, employees, and/or agents are hereby **PERMANENTLY ENJOINED** from using pillow cushions bearing Plaintiff's Designs or any colorable imitation thereof in any manner whatsoever, including manufacturing, offering, selling, transferring, advertising, or promoting any of Plaintiff's protected designs or any patterns substantially similar thereto; and it is further

ORDERED that, in order to give practical effect to the Permanent Injunction, Defendant is hereby ordered to surrender for destruction within thirty (30) days any remaining infringing products in Defendant's possession, custody, or control, by delivering such products to Plaintiff.

SO ORDERED.

A handwritten signature in dark ink, appearing to read 'C. Cecchi', is written above a horizontal line.

CLAIRE C. CECCHI, U.S.D.J.